

Message Text

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ACTION EB-08

INFO OCT-01 NEA-10 IO-13 ISO-00 FEA-01 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 SS-15
STR-05 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01
AF-10 ARA-10 EA-10 EUR-12 /141 W
-----075176 060307Z /63

R 051952Z OCT 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 1667
INFO AMEMBASSY ISLAMABAD

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E.O. 11652: N/A
TAGS: GATT, ECON, PK
SUBJECT: GATT BOP CONSULTATION WITH PAKISTAN

REF: (A) STATE 172100, (B) GENEVA 4115,

1. DURING LUNCH SEPTEMBER 29 PAKISTANI MISSION REPRESENTATIVE HAMID INFORMED MISSION OFFICER THAT HE WAS UNDER INSTRUCTIONS NOT TO COOPERATE WITH BOP COMMITTEE ON ITS FULL-CONSULTATION. PAKISTAN DOES NOT INTEND TO SEND ANYBODY FROM CAPITAL FOR CONSULTATION NOR TO PROVIDE COMMITTEE WITH ADDITIONAL DOCUMENTS. HAMID WILL TELL COMMITTEE THAT PAKISTAN IS READY TO PROVIDE US WITH ADDITIONAL INFORMATION BILATERALLY.

2. HAMID GAVE FOLLOWING JUSTIFICATION FOR PAKISTAN'S POSITION: (A) PAKISTANI AUTHORITIES ARE STILL CONVINCED THAT US DECISION TO REQUEST CONSULTATION WAS POLITICALLY MOTIVATED.

(B) GATT BOP COMMITTEE PROCEDURES ARE UNFAIR. PAKISTAN
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WOULD HAVE DIFFERENT ATTITUDE IF DEVELOPED COUNTRIES WERE REQUIRED TO CONSULT EVERY TWO YEARS ON THEIR TRADE RESTRICTIONS (I.E. ARTICLE XIX RESTRICTIONS).

(C) IN 1975 WHEN US REQUESTED FULL-CONSULTATION WITH ARGENTINA AND ARGENTINA OBJECTED, COMMITTEE DID NOT HOLD FULL-CONSULTATION.

(D) PAKISTAN'S BALANCE OF PAYMENTS PROBLEM IS SO SEVERE THAT NO QUESTION THAT BOP MEASURES JUSTIFIED.

3. MISSION OFFICER ENDEAVORED TO ASSURE HAMID THAT DECISION WAS NOT POLITICALLY MOTIVATED BUT JUSTIFIED BECAUSE PAKISTAN HAD NOT HAD FULL-CONSULTATION IN OVER SEVEN YEARS AND MANY CHANGES HAD TAKEN PLACE IN ITS IMPORT REGIME. US WOULD BE VERY SYMPATHETIC TO PAKISTAN IN CONSULTATION. IF PAKISTAN FEELS ITS PROBLEMS ARE CAUSED BY OTHER COUNTRIES' TRADE RESTRICTIONS, PAKISTAN HAS THE RIGHT TO BRING THIS FACT TO THE COMMITTEE'S ATTENTION. PAKISTAN SHOULD ADDRESS ITS IDEAS ON REFORM OF BOP COMMITTEE AND GATT RULES TO MTN FRAMEWORK GROUP AND G-18. WE POINTED OUT THAT IN THE CASE OF ARGENTINA, COMMITTEE HAD MET INFORMALLY BEFORE MINI-CONSULTATION AND DECIDED TO HOLD FULL-CONSULTATION. ARGENTINA PROPERLY CHALLENGED THAT THIS DECISION COULD NOT TAKE PLACE BEFORE COMMITTEE MET TO HOLD MINI-CONSULTATION. FURTHERMORE, ARGENTINA SUBMITTED A DOCUMENT JUST BEFORE MINI-CONSULTATION AND COMMITTEE POSTPONED DECISION BECAUSE THERE WAS NOT SUFFICIENT TIME FOR THE DOCUMENT TO BE CIRCULATED TO COMMITTEE MEMBERS BEFORE MINI-CONSULTATION.

4. PAKISTAN'S POSITION POSES A SERIOUS CHALLENGE AND REPRESENTS POTENTIALLY FATAL BLOW TO THE AUTHORITY OF BOP COMMITTEE AND VIABILITY OF MINI-CONSULTATION PROCEDURE. IF LIMITED OFFICIAL USE

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COMMITTEE NOT ABLE GET FULL CONSULTATION WITH PAKISTAN, THEN IT IS PROBABLY HIGHLY UNLIKELY TO EVER HAVE FULL-CONSULTATION WITH LDC AGAIN. AS CONSULTATION NOT SCHEDULED FOR ANOTHER MONTH, WE HAVE TIME. POSSIBLE ALTERNATIVE COURSES OF ACTION IN DECREASING ORDER OF PREFERENCE INCLUDE THE FOLLOWING:

(A) POINT OUT TO PAKISTAN THAT REFUSAL TO FOLLOW INSTRUCTIONS OF COUNCIL AT TIME PAKISTAN AMBASSADOR IS SEEKING COUNCIL CHAIRMANSHIP (SEE GENEVA 8413) WOULD EMBARRASS THE PAKISTANIS. URGE PAKISTAN TO FOLLOW FULL CONSULTATION PROCEDURE AND TO SEEK PROCEDURAL CHANGES IN CONTEXT OF FRAMEWORK GROUP IN MTN.

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(B) ENDEAVOR TO GET PAKISTAN REQUEST DELAY IN CONSULTATION
UNTIL NEXT SPRING ON GROUNDS NOT SUFFICIENT TIME TO PREPARE
DOCUMENT AND IN THE MEANTIME ENDEAVOR TO GET FULL-CONSULTA-
TION WITH ARGENTINA, INDIA AND CHILE.

(C) HAVE BOP COMMITTEE REPORT TO COUNCIL THAT COMMITTEE
UNABLE TO HOLD CONSULTATIONS AND ASK COUNCIL TO RESCHEDULE.

5. SINCE ABOVE WRITTEN, LOCAL EC REP, LUYTEN, DISCUSSED
SUBJECT WITH ECOMIN. LUYTEN'S VIEW IS THAT THERE IS NO
CHANCE THAT PAKISTAN CAN BE INDUCED TO SUBMIT TO FULL BOP
CONSULTATIONS. HE BASES THIS ON STRONG EXPLICIT STAND TO
THIS EFFECT TAKEN BY SENIOR PAKISTAN OFFICIAL (UNDERSECRETARY
OF COMMERCE?) AT RECENT G-18 MEETING. HE ALSO CONSIDERS
THAT OVERLY CONCILIATORY POSITION TAKEN BY NORDIC REP AT
G-18 UNDERCUTS CHANCES OF COMMON DEVELOPED-COUNTRY EFFORT
TO PRESSURE PAKISTAN. (MISSION UNAWARE DETAILS G-18
EXCHANGE AND WASHINGTON REPS AT MEETING MAY WISH COMMENT).
LUYTEN CONCLUDES THAT BEST POSSIBILITY OF MAINTAINING BOP
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PROCEDURES FOR FULL CONSULTATIONS WITH LDCS WOULD BE TO
CONSIDER ARGENTINA AND PAKISTAN AS WATER OVER THE DAM BUT
TRY TO GET AGREEMENT THAT AS OF JANUARY 1, 1978, LDCS WOULD
SUBMIT TO FULL CONSULTATIONS WHEN REQUESTED, BUT ON
CONDITION--WHICH LUYTEN CONSIDERS SIGNIFICANT--THAT REQUEST
WOULD HAVE TO BE MADE BEFORE MINI-CONSULTATION HELD SO THAT
LDCS WOULD NOT BE SUBJECT TO WHAT THEY CONSIDER TO BE
"DOUBLE JEOPARDY".

6. COMMENT: WE SEE LUYTEN'S SOLUTION AS A FLIMSY ATTEMPT TO GIVE COVER FOR THE COMMITTEE'S ACQUIESCENCE TO PAKISTANI DEFIANCE. HIS IDEA WOULD, WE FEEL, EFFECTIVELY SCUTTLE EXISTING PROCEDURES WHICH PERMIT DOCUMENTATION PROVIDED FOR THE MINI-CONSULTATION TO FORM THE BASIS ON WHICH CPS CAN DECIDE WHETHER OR NOT A FULL CONSULTATION IS NECESSARY. IF WE ACCEPTED LUYTEN'S SUGGESTION IT WOULD MEAN US WOULD HAVE TO FOREGO REQUESTING FULL CONSULTATION WITH INDIA, ARGENTINA AND CHILE, WHO ARE SCHEDULED FOR MINI-CONSULTATIONS IN NOVEMBER. IF WE ARE TO CHANGE THE BOP PROCEDURES FOR DEVELOPING COUNTRIES, WE BELIEVE THAT THERE ARE BETTER SOLUTIONS THAN LUYTEN'S. WE WILL SEND MORE DETAILED COMMENTS AFTER DISCUSSING MATTER WITH GATT SECRETARIAT AND OTHER INTERESTED DELS. SORENSON

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